

ADMISSION OF CALIFORNIA.

SPEECH

OF

HON. W. T. HAMILTON, OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES, JUNE 8, 1850,

In Committee of the Whole on the state of the Union, on the President's Message in relation to the admission of California—

Mr. HAMILTON said:

Mr. CHAIRMAN: Not since 1820 has an exclusively sectional controversy occupied the time of Congress, or engaged the attention of the people. Then it was, as it is now, a momentous question. Not so much that the questions arising out of the acquisitions from Mexico are not subjects of deliberation; not that we should not examine them rigidly, and discuss them in all their bearings and relations; but that in them originate sectional parties; those that can alone render the stability of the Union precarious.

The Union, if dissolved at all, can only be dissolved by geographical parties and divisions. Measures, however odious and oppressive, operating alike upon people of *all* the States, secure their own and the destruction of those identified in their conception and establishment, but can never affect the Union. A revolution may be produced, but it will be a revolution in the Union. We have now and here, the only questions that in our present condition can loosen and sever the bands which unite us as a people. We have in our midst, and throughout the land, sectional power, sectional turbulence, and sectional enthusiasm, and indeed, to an extent, sectional hatred.

These are fearful facts. Washington, and others in his day not much less distinguished, apprehending the danger of their existence, almost shrunk from the recital of the unhappy results. It is our duty to relieve the public mind, and withdraw from its consideration this controversy—the whole controversy. It is our duty to do it at this session of Congress, and never to cease effort until there is a final and replete adjustment of the whole matter. Not to adjust it to gratify the power of the North, nor to yield to the extreme demands of the South, but to suit the ordinary and common-sense requirements of the masses of the people, north and south. Then can the great American mind seek repose, and in that repose revert to what, we trust, we can denominate *American* Legislation. This word “dissolution” startles the American people, and leaving all else beside, turns the full and regular current of their thoughts to its contemplation. To enumerate the causes of this condition of things is useless. It exists, and that is sufficient to deplore and at once, if possible, to rectify it. A sense of oppression, wrong, injustice, injury, and degradation, entertained by a high-spirited and sensitive people, whether correctly or erroneously entertained, leads to the same consequences. Unless this sense be eradicated or alleviated, these consequences may be in the highest degree disastrous. As Representatives of the people, we should settle and adjust this, becoming our official and law-making

capacity. The subject is worthy a calm and dispassionate consideration.

The character this debate has at times assumed is to be profoundly regretted. Engaged in the solemn and no less responsible exercise of legislative power, affecting the interests of twenty millions of people, this is not the place, nor is it the occasion, to criminate and recriminate. Intellectual effort has had the largest liberty to roam wherever fancy, caprice, or judgment might induce; wit has enjoyed its jocund laugh; sarcasm has had its bitterness gratified; eloquence has kindled its fires; but into what insignificance does all sink, when we come to reflect upon the sound, impracticable *reality*, that we are here not to make this the amphitheatre of display, but possessed of prerogatives conferred upon us by the people, to attend to them and their welfare; to consult their safety and the safety of the *Union* they so much love, and the perpetuity of which, in its constitutional purity, democratic excellence, and republican power, they so much desire, and so fondly hope may be evermore.

What is to be done to subserve the purposes of right, justice, amity, and friendship? California presents herself for admission; the territory of Utah has no regular civil government; and New Mexico is not only without a civil government adequate to its protection and consistent with republicanism, but is under a military government, hitherto in time of peace unknown to us, and which is utterly irreconcilable to our institutions; and, with all this, in dangerous collision with Texas.

As preliminary, however, permit me to remark, that the application of California for admission presents an interesting juncture of affairs. Its admission places the legislative department of the Government in the possession of the non-slaveholding States. The power of the South, absolute and preventive, is being transferred to others; its sceptre of legislative power is about departing, and departing never more to return. The preponderance, or the preventive power of the South, hitherto existing, is to be destroyed. The South is called upon to do it. Men, sensitive of their honor and safety, and apprehending, from what has for some time past been attempted, what may be done hereafter, hesitate to yield. Men having it, and for a long time enjoying it, dislike to give up any, particularly protective power, especially when their interests, near and dear to them, are supposed to be identified with it.

California, in her application, is met with a decisive opposition, and objections to its admission have been submitted to us. Are they such, and so conclusive and imperious, as to prevent us un-

der any circumstances from supporting its admission, with or without other measures attached to or concurrent with it? One of the objections, though rather incidental and intimated than direct and asserted, is, that its admission will destroy the equipoise now esteemed so necessary to be maintained between the slave and non-slaveholding States. This springs from a desire for security. The apparent prevailing sentiment of the North, and the opinions expressed upon this floor by some northern Representatives, necessarily create great alarm at the South, lest, when possessing power, efforts should be made to interfere more directly with its domestic institutions. With this, a sense of legislative weakness inspires distrust in the written guarantees of the Constitution. A power to prevent is better and safer than the force of written laws in the control of an adverse majority. This is natural and true, and goes to the heart of every son of the South when now yielding it. But then, the establishment of such a principle or rule of action might operate gross injustice to citizens of the United States. Though entitled, we would refuse to the people of a territory the exercise of confederative rights, whether either conforming or not conforming to our views, if it unsettled the equipoise. And this rule could only be partial, and ultimately nugatory; for, whilst to sustain it we would retain the people of a territory in a qualified state of vassalage, we could not regulate the action of States; we could not deprive them of rights, and make the action of one or more dependent upon, or subservient to, the dictates or supposed interests of others; and that with strict reference to the domestic concerns belonging, under the Constitution, to the States respectively, and over which, as sovereignties, they have, as they should have, perfect control. At their option, they can become slave or non-slaveholding, and consequently can effect any such rule which might be adopted by the exclusion or admission of Territories as States. No such thing is recognized in the Constitution, nor was it ever contemplated by the statesmen forming it. The same sense of weakness, and of its apprehended consequences now entertained, would then have secured a different Constitution or prevented the making of any.

The Constitution was formed upon other principles and for other purposes. It was erected, if it may be so expressed, *over* the social relations and domestic institutions of the people of the States, and down to which, in its operations, it has no right to descend, to interfere with, agitate, or disturb them, in any manner. The majority of the States then slaveholding, and those just emerging from it, did not enter into rigid casuistical refinement, theoretical abstractions, or religious inquiries respecting its moral relations, religious delinquencies, or the general and peculiar responsibility of those who thought proper to hold slaves. They found it a prevailing institution, and left it to those who protected and nourished it to work its own and their destiny. The Constitution was not created to superinduce or to procure its abolition; nor to secure its moral condemnation; nor established to afford facilities to declaimers, here and elsewhere, to denounce and deride it and all connected with it. There were no such purposes and no purposes, too, to give it protection above all other things, and to establish for it an exclusive power; but it was viewed as all other things were viewed which belong to the people of the States for their exclusive and conclusive jurisdic-

tion and management; it was left as other things were left, out of the purview of congressional interference and action.

The Constitution was not made for a day; but it was anticipated that it would contribute its virtues and its benefits to time, as filled up by generations added to generations. Nor was it made to depend upon, neither to be restrained or trammelled by the local policy a State or States might adopt or pursue; but so entirely independent is it of the subordinate political and social relations of the people of the States, in others as in this, that all the States can be slave or non-slaveholding without affecting its provisions, or the general scope of its powers and operations. Only having those powers and attributes necessary to form a *union* upon national principles, and for national purposes, it thought of none other, and peremptorily denied to itself all other. No; our fathers made the Constitution for a great and growing people, to found national character, supply national wants, and to insure national unity. Upon that Constitution they depended then for security and safety, and to such instrument, and for the observance of which, in its letter and spirit, they then solemnly plighted their faith, and the faith of their children. Believing that it would be sacredly observed and religiously regarded, they felt secure; and feeling that the same faith that was then plighted would descend to their posterity, they were impressed, that in all succeeding time, it would afford and assure the protection they designed, and subserve the purposes for which it was constructed. We want nothing more now. There is yet, and will ever be, harmony, concord, safety, in a rigid and just adherence in spirit and in truth to its delegated powers.

The masses of the South ask no more. They know that it is adapted to none—to one—to all slaveholding States, and in its operations in each contingency or event, maintain the Union unimpaired. On it should we alone rely. We dare not desert it to resort to other expedients for safety, unknown to it; but faithfully standing upon it, if it crumbles beneath us we are justified. If the North shall have so degenerated as now, or in the future, to be recreant to the spirit animating it when North and South met in convention in fraternal determination to form a common bond of union, “to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare,” and to secure the liberty just achieved by their common blood and treasure; and not only discarding this spirit, but disregarding the trust then reposed in its patriotism and integrity, refuse to recognize the Constitution *as it is* in all its parts, powers, demands, and denials, then, with it is a responsibility not desirable to be assumed by any people, however great and powerful. The North is not yet, I trust, willing to assume it. There is yet confidence to be reposed in the honest and unpretending masses of its people. Delusive issues and false assumptions may allure an honest heart from the path of duty; but the sure returning sense of right, will vindicate its purity of motive by acknowledging its error, and correcting its conduct. Momentary excitement and passionate ebullition may produce their unfortunate results, yet there is hope and cheer in the calm tranquillity of reestablished reason, inspired by a pure and patriotic heart. When it asserts the supremacy it should ever maintain, we will remember that we are all breth-

ren of the same flesh and blood—that we all inherited the pride of a glorious ancestry, and with it, the concessive spirit of unity—that to make efficient the natural ties which bind us together, we entered into a solemn and sacred covenant, distinctly setting forth our mutual relations, our mutual duties, and our mutual obligations; and remembering all this, the true American heart will absorb the recollection of North and South, in a great national impulse; and justice, right, and peace, will be established throughout the land.

The great and leading objection, however, to the admission of California, is the alleged usurpation of power by its people, in forming their constitution without the permission or authority of Congress; it being maintained that the sovereignty over a Territory is in the National Government, and that this interposition of Congress is first required to transfer to the people of a Territory this power, before they can exercise any, or form themselves into a State for admission.

Is this antecedent permission indispensable, or even ordinarily necessary, and without it, is such act of the people of a Territory so invalid and so nugatory as not to be entertained by Congress? Let us inquire—

First. What is this asserted sovereignty of Congress.

Sovereignty is the controlling power in the States. According to our theory of Government, it is in the people. Sovereignty, under the national and State constitutions, is complex. At the formation of the Constitution we comprised thirteen States, each being a perfect sovereignty. The people of the States, in convention, deemed it necessary to transfer whatever of this sovereignty or controlling power was required, for the purposes designed, to the General Government, or to retain the original idea to the collected people of the States in a confederative and national capacity. They were precise in maintaining the sovereignty of the States within the sphere they were permitted to move; and with strength, force, and clearness, they declared what the sovereignty of the United States, as one people, is, in that clause of the Constitution which reads: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the *supreme law of the land.*" By this, the "*supreme law of the land,*" is the exercise of the sovereignty of the people of the United States, and it is restrictive. This "*supreme law,*" and the term sovereignty, I use as convertible terms; the term sovereignty is not to be found in the Constitution of the United States, but it exists by the clause just quoted; *it is that clause*; and its attributes, incidents, and powers arises out of, are referable to, and must be compatible with, that clause. It may be here said, that the Constitution is but the transcript of the acknowledged sovereign will of the people, and that it but directs the manner in which its agents or representatives shall act, and what shall or shall not be done. The people of the States, and as united to form a Union, determined what *exercise* of sovereign power was required to form a Union, and limited it to the absolute necessity of the case; and being compelled to act by representatives, it was necessary to prescribe their duties, and confer, in express terms, the power to exercise the enumerated attributes of sovereignty. This was done to prevent interference and conflict

with other exercises of sovereignty desirable to be retained and used by the people of the States respectively and independently. Congress possesses *powers* only; the people possess rights and the control of these powers. One people cannot invest another with this original right, controlling power, or sovereignty, for it of right belongs to all. One people, by its superior strength, can modify, restrain, and suppress the rights of another, but the removal of these restrictions restore them at once to their primeval condition, equal and free. Much less has Congress the power to confer sovereignty on any people. Admitting, for the moment, that the people creating Congress possess this power, yet they have not expressly or impliedly delegated it to Congress, without which it cannot be exercised. In giving to it powers, the Constitution particularly guards it in the exercise, when it says, "all powers not delegated to Congress by this Constitution, or prohibited by it to the States, are reserved to the States respectively, or to the people." To suppose that in Congress is the sovereignty, is to suppose that all the people of the States of this Union, coming out of a territorial condition by the antecedent permission of Congress, have had their rights and sovereignty conferred upon them by Congress. This is absurd. They were a portion of the people of the United States, and therefore this sovereignty pretended to be exercised by Congress, and imagined to be transferable, resided in them. They being in a territorial condition, and *not permitted* to exercise certain rights under the Constitution, did not make them less people of the United States, in its corporate capacity, owing it allegiance, entitled to protection, and the exercise of certain rights not prohibited or restricted. With the assumption that Congress enjoys all the sovereignty, consequently all the rights, and that the people or inhabitants of the territories have none, we would impress the odious and tyrannical doctrine, that it may or may not confer it, and thus hold free people as vassals, and deprive them of the right of citizenship.

But further: Congress may by the Constitution admit new States. An authority to establish would imply an authority to *force* into the Union. This is not admitted by anybody. Not possessing any power to establish, it can only admit *what* the people by an exercise of their inherent power or sovereignty establishes. In this it is shown that the people possess what Congress is said to confer.

Where a new State is admitted from beyond the corporate limits of the United States, whilst retaining others, it merges certain attributes of its sovereignty as an independent State, as with Texas, into the united sovereignty, or that required to maintain the Union. Where a State, erected out of territory within the corporate limits of the United States, is admitted, the people of it before admission being under the Constitution of the United States and subject to its provisions and the powers conferred upon Congress, in addition to the rights and powers possessed as people of the United States, not conferred upon Congress nor prohibited to them by the Constitution, they acquire confederative powers and privileges, or their local and peculiar attributes are expanded, by admission to the full participation of all.

Secondly. What are the rights and the duties of the people of the Territories?

Their condition is anomalous. They are *people*

living within the corporate limits of the United States, subject to the Constitution and to the laws of Congress passed in pursuance thereof, though not represented in Congress nor participating in any way in the making of those laws. They are in such condition from the force of circumstances. States of the Union are only recognized as competent to legislate upon national affairs. The people, by their Constitution, have so made it, and, whilst Congress cannot establish and force a State into the Union, this power to participate in the national legislation is a paramount inducement to people of Territories to form themselves into States and enter into the Union. But, then, when thus entering into the Union it is only to exercise national powers, not that it invests their people with the subordinate rights and powers not noticed or referred to by the Constitution. Congress, in passing the act of admission, does not confer a single right or invest a single power, but *admits* to the exercise of particular and specific and enumerated powers; all others being in possession, and remaining for their appropriate and necessary purposes. The other rule of construction would be, that as all power and sovereignty are in Congress, and as the whole includes the parts, when transferring the sovereignty to the people of a territory, either by antecedent permission or by admission as a State, therefore, you transfer all the subordinate rights and powers belonging to the people of a State, and not at all under the control or regulation of Congress. The reverse of this we hold to be true. For, as before stated, all powers not delegated, are reserved to the States respectively or to the *people*. This would be the irresistible inference without the express clause, but it was thought sufficiently necessary to be thus explicit, to avoid supposititious or seeming argument to the contrary.

The people, then, of the Territories being within the corporate limits of the United States, are bound to submit to the Constitution, and cannot join in the exercise of those powers conferred upon the National and Confederate Government, until States. Then the question arises, may or can they enjoy and use those rights, the exercise of which is not transferred? From the course of the preceding argument, they can, unless it be prohibited *to them* by the Constitution. There is no such prohibition. The Constitution operates by specific powers, and upon specific objects; and those powers operate equally, uniformly, and everywhere upon those objects. As far as they extend, they level all State limits; and in their purview, there is but one vast, undefined, unmarked scope. If there be no such prohibition, and no such particular power given to Congress, the people of the Territories and the States, in regard to those rights retained, and not prohibited, have them alike, and in equal degree.

There is, however, it is contended, one clause in the Constitution, which expressly confers this complete, unlimited, unqualified power or sovereignty over the people of the Territories, and which does not extend to, or operate upon the people of the States. It is this: "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." This is the only clause specifically naming "territory." It is not my design or desire to discuss the clause or its precise bearing, but it is sufficient for my present purpose to show, that that clause does not dis-

criminate between, but alike operates, in States and Territories, wherever there be territory or other property belonging to the United States.

This is certainly a complete power for certain purposes; that is, to dispose of and make needful rules and regulations for its property. It recognizes no distinction between the places where this property may be located. States are not exempted from its operations. It carries Congress wherever there be "territory" or other property "belonging to the United States," to dispose of and regulate, whether it be in or out of States. The territory (or public lands as commonly called) lying in States is equally subject to it as that beyond them.

This, then, being a common power, efficient in all places, and which may operate as well in a State as in a Territory, designated in its political sense, it cannot be inferred that it confers in one and not in another place, the unqualified, sovereign power, of not only disposing of and regulating "territory or other property," but of absolutely *owning* the *rights* of persons, independent of, and unconnected with, territory. For it, at this day, must be admitted, that persons have rights unconnected with, and independent of, land. What does a genuine republican hold dearer than the personal and political rights of the poor and landless? Having no property, they are his sole defence and only protection, and his great inheritance. They are his to be enjoyed, and his to be exercised, in equal degree with the richest of the land. You cannot thus divide the operation and relation of the power, limiting it to one thing in one *locality*, and extending it to a totally different object in another. There is no pretence that Congress, by this clause, has power over the rights of persons not connected or identified with the "disposition of, and the making of needful rules and regulations respecting the territory or other property" in the States. In States you confine this power to what it in fact imports; that is, the disposition of and regulation of the territory simply; but in the Territories you would not only direct it to the disposition and regulation of territory, but to the independent and disconnected rights of persons.

It is to be conceded, that the word "needful" is liable to strong interpretations; and that it may be expanded or restricted as necessity and circumstances may require. In States there being organized government, it may be that not so great an exercise of this power is needed; and, indeed, it is possible from the very organization a greater may be required; and just the reverse where State governments are not organized.

But in all cases it is to be a "needful" exercise and no more, for otherwise it would be made an engine of tyranny, infringing rights dear to the people of the States and Territories.

If the preceding propositions be correct, I conclude that the *people* of a Territory possess the right to form themselves into a body politic and *ask* to be admitted into the Union; that in addition to their local attributes, they may participate in the exercise of those great national attributes of sovereignty belonging to the General Government. To thus *ask* this admission, without the antecedent permission of Congress, is not revolutionary. It is but the use of a simple right, the object of which may or may not be accomplished, as Congress may determine. It neither invests the people of the Territory with more, nor divests Congress of any power. If upon their petition they are not admit-

ted, it is their duty to remain in their original subordinate condition.

I assume, then, from what has been said, that the people of California, whatever irregularities they may have committed, and whatever unauthorized official interference was attempted to influence their deliberations, are not guilty of an unscrupulous usurpation of power not belonging to them. In presenting themselves for admission as a State, they have not done that which is incompatible with the Constitution of the United States or the powers of Congress, and it is now for Congress to admit them or not. The discretion is with it. If they be not admitted, they return to their territorial subordination.

But suppose all hitherto done by them to be irregular; and suppose, further, that the exclusive, absolute, unqualified sovereignty resides in Congress; yet Congress, by admission, perfects and ratifies the irregularities and confers the necessary sovereignty. True, it had been better if Congress had established long since, as duty required, a territorial government, and equally unfortunate is it that all efforts were unsuccessful; it had been better if Congress had given the antecedent permission to form a State,—not that it invests the people with a peculiar or original right, for it is optional with them to take advantage of this permission or authority, but that in it there is the *pledged faith* of Congress to admit, when application be made under it. We may regret the past, but it is no remedy for existing evils, nor does it avoid the necessity of practical legislation upon the subjects as produced by the misconceptions, misfortunes, or wrongs of the past, or the circumstances of the present.

A government, stable, energetic, and efficient, is required in California. The great interests alike of the United States and of the people there demand it. Government is an absolute right belonging to mankind.

And thus it appears to me, that these the prominent objections to the admission of California are not so commanding and imperious as unqualifiedly to preclude its becoming now one of the States of the Union.

Let us come, then, Mr. Chairman, to the practical question, what can the South gain by opposing as a section the admission of California? I answer, nothing! But it may, in my judgment, incur danger. The destiny of California is fixed. There is a large undisputed majority in this House and an ascertained majority in the Senate for its admission. But supposing the South able to reject the pending application, and remand the people of California to their territorial condition, what effective beneficial result can be accomplished? Admitting for the moment irregularity now, and rejection because of it, we cannot justly delay or prevent a regular effort to become a State.

After refusing the present application, with the facts before us as to population and the condition of the people, it is our solemn duty to proceed at once to give them the permission necessary, as maintained by those objecting to frame a State government. With this permission they can forthwith form a constitution, and at the next, or session after, be here demanding admission.

And can it be expected, that with this permission and its implied obligations to admit, when executed, they will alter their constitution, now adopted by them? No! But it is more to be apprehended that, with regard to the slavery clauses,

they will adhere to with more tenacity, as they may imagine that it was the sole or principal cause of rejection. Instead of change or modification in this particular, the consequence will be, an exasperated determination to maintain it.

But suppose, furthermore, that Congress does not give them the immediate permission to form a State government, but that remanding them, it establishes a territorial government upon the principle of non-intervention—that is, without establishing or excluding slavery. What then is the determination? To hold them in that condition until a preponderating slaveholding population or interest should fill up the country! Any shorter period would be of little or no advantage to the slaveholding interest, and might endanger individual rights. Would it be just to so hold them, and in accordance to the principles of the Constitution, and consistent with treaty stipulations? It might take many, many years for such an event, and we are to have in vassalage or in colonial subservience for a specific time hundreds of thousands of American citizens who are entitled to constitutional rights as we are—entitled to participate in national legislation as we are—and whose interests may equally require with ours a coördinate exercise of national sovereignty. Such purpose, if entertained, cannot succeed. For though we now establish a territorial government for the people of California, the *precedents* of States in the Union would induce and justify the forming a State constitution and an application for admission without the previous permission of Congress. Nine of the seventeen new States formed governments and adopted constitutions without this permission of Congress, and were admitted. Then nothing is to be gained if a territorial government is established; for California, relying upon the indiscriminate practice of Congress of admitting States formed with or without its previous assent, may form its government and make its application; and whilst this application would be in the discretion of Congress, it would not, from the uniform and recognized action of the Government, be considered a usurpation. Under no probable circumstances can California in any condition remain long out of the Union.

By this opposition, without the chance of gaining anything, the South *may* lose. The South has something to lose, and when lost, like honor gone, is hard to be restored. The South has a public character to maintain. It has too long vindicated and united in settling great principles in the administration of the Government under the Constitution, to abandon them now. It has a political prominence in this Union that ought to be and can be sustained. If consistent in all things for or against it, and true to the integrity of principle hitherto asserted by it and acquiesced in by the country, it will have vouchsafed to it the position it now enjoys. True, the jealous and the envious and the servile spirit that has possibly crouched in the days of its unclouded glory and conceded power, may rise in the day of its trial, and in the day of its apparent weakness, when struggling almost vainly to elude the grasp of aspiring power, and with words coined from its rancid heart, rave at the South for obtaining this position, and at the North for permitting it. Let it rave!

I institute, sir, no comparison—I draw no parallel between North and South. I regret that it was done by any from either section. I recognize none—I know none. The South acknowledges

no superior; the North acknowledges no superior; and neither should charge inferiority. I know of but one name for all, and to include all sections of this Republic, and that is, "*United States of America*." In that name there is "liberty, equality, and fraternity." And no other name do I desire to know. In that there is plenitude of greatness, of power, of union, of all that constitutes us a great, a growing, a free, a glorious people.

Permit me, however, to remark, in answer to those who charge the South with absorbing place, and controlling and guiding the policy of the Government, that assignable and just causes for it can be given. Not that the people of the South are superior either in intellect or patriotism to the masses of the North. Not at all—such supposition is not to be made. But its prominence originated in the division of parties in the early administration of the Government. The leading statesmen or politicians North, immediately after the organization of the Government under the Constitution, endeavored to mature a policy they desired, but failed to adopt in the making of the Constitution. What was not obtained by grant in the Constitution, was to be supplied by construction—strict and liberal, or latitudinous construction, became the distinguishing marks which divided the country or parties. Following this was a system of measures planned by northern statesmen, and opposed; and another proposed by southern. The southern, aided by the masses of the middle States, triumphed. In this victory was secured to the South place and prominence.

When speaking of the North or South, it is not to be understood that *all* anywhere favored or opposed the particular policy; but public sentiment, as embodied or invested with power in States and communities, so divided as before stated. Many were the ardent and sincere devotees of strict and proper construction in the North, and long, and well, and nobly did they labor for the fulfillment of their views; and much did they then, and even to this day do they suffer politically for advocating them.

And further, sir, let me remark—and it is not an invidious disparagement of the North to make it—that the South has been true in *every* national crisis.

In the Revolution, with the pervading spirit which animated all, obliterating colonial limits and eradicating colonial prejudices, it made the "cause of Boston" its cause; and though containing a slave population not only in great danger of being lost, but which might be turned, and which was attempted to be converted by invading British armies into the terrible and horrific instruments of servile war and bloody and unsparing insurrection, from the fear of which the North was comparatively exonerated, it hesitated not, but to the appeals that went up to Heaven from the freemen of New England, its heart beat responsive; and in the incipient stages of the Revolution its fervid eloquence went thrillingly and sternly to the Pilgrim land to strengthen the arm of resistance to tyranny.

In the war of 1812, the same national spirit was evinced.

In the Mexican war the same characteristic was manifested. It was certain that we would, as indemnity and in settlement of all differences, obtain a large portion, or what we now possess, of territory from Mexico. Independent of the legislation of Congress, it was within conception that all, at least a large part of it, might be admitted into the

Union as non-slaveholding; connected with this the "Wilmot proviso" was threatened, and in the midst of the war, and that, too, by an imposing majority in the House of Representatives; yet the South faltered not in the discharge of the paramount duty it owed the country, but in its consolidated public sentiment, it was firmly, unflinchingly national.

Wherever in all this the South has secured for itself prominence and a directing control of the policy of this Government, so far from reproaching it for its success, a better spirit, emulating in discharging duty and doing good, would have inspired action to transcend and not to drag down. In possessing this supposed control there is no cause of complaint; so far from complaining, if our history has been a history of advancing greatness and of prosperity unparalleled, thanks unnumbered are due to it as having done "some service" for the Republic. If the South, by a steady adherence to national honor and a steady maintenance of national right, and by its uniform assertion and vindication of national and constitutional principles, whether relating to foreign or domestic policy, has attained a position which draws down upon it the criticisms of the mistaken and the vituperations of the envious, it is as much to be applauded as the delinquencies of others are to be reprehended and condemned.

But to return. The South, to sustain itself, must avoid sectional broils, and particularly upon questions of sectional power. Standing upon the Constitution, and relying upon its guarantees, it never asked the Missouri line; it never introduced a proviso; it never asked the establishment of slavery; it never sought the interference of Congress to extend it. It desired to leave it with the people, where it legitimately belonged, subject to their control and supervision. It invariably asserted the principle, "that the people forming a State government have the perfect and uncontrollable right of permitting or prohibiting the institution of slavery as they may deem proper, and their determination either way is to be considered no objection to free admission into the Union." This is a correct principle; it is a national principle, and its adoption by the country avoids sectional controversy, secures peace, and infuses a sense of security in the Constitution.

To this principle I desire to adhere; and it enters largely into the admission of California. Unless the objections to its admission be imperiously controlling upon other principles, we should not hazard this one, so desirable to be established, and put in jeopardy all aspirations for the future. For if the ostensible objection be trivial, or, however strong, merely technical and not going to the substance of the subject-matter, the unavoidable implication is, that there is a substantial, if not developed objection, creating this fervid, exciting, and unyielding opposition, and that is, that the people of California have in their constitution excluded the institution of slavery. This almost irresistible inference is joining a sectional issue for sectional power, which may not only prove destructive to the rights of the South, but be imminently dangerous to the Union.

Representatives upon this floor from the North avow, as a reason for admitting California, its prohibition of slavery, and that if it were not so they would oppose it as they would oppose the admission of any slaveholding State. This avowal should be frowned upon by every patriot, as dis-

loyal to the Union, antagonist to constitutional principles, and subversive of constitutional right. No! the true, and only safe doctrine, is to admit what the *people* rightly and properly present for admission, if it be compatible with the Constitution of the United States, whether it be slave or non-slaveholding.

More particularly involved in this unhappy agitation, is the establishment of territorial governments for Utah and New Mexico. Long since, our treaty obligations, and their protection and interests, demanded governments for California and New Mexico. Efforts to establish them were made, but failed. The North, discarding national considerations, endeavored to insert a sectional provision—the proviso excluding slavery. It produced its fruits. Discord and hostility were engendered, and section arrayed itself against section in calamitous acrimony. In direct and complicated connection with the establishment of a government for New Mexico, is the ascertainment or settlement of its boundary with Texas, which threatens, if not settled, to disturb the repose of those people, if not the country.

If, in the admission of California, a plan is devised to appease and satisfy the distracted mind of the country, it should receive our sanction. In the Senate most distinguished and noble statesmen from the North and the South are uniting in brotherhood and expending their best, and, with some, it may be their last, efforts to secure adjustment, harmony, and reconciliation among their countrymen. To them we owe much, and we should not be idle and listless spectators of a scene so grand and magnificent; but equally solicitous for the peace and safety of the people, we should extend a hearty coöperation and support.

The great object to be obtained is the withdrawal of all of our acquisitions from Mexico from the arena of agitation, and thus deprive it of its main, indeed its only aliment. Though it is threatened by Representatives of the North, that if Congress does establish governments for the Territories, and without the proviso, the agitation will not only not cease, but increase. Such a result I do not fear. Some confidence is yet to be reposed in the good sense and patriotism of the citizens of the North. There is still to be attributed to them the ordinary virtues which adorn humanity. They can appreciate peace and concord. The throe of a battle is soon forgotten in the sincere stipulations of amity and friendship; the real public sentiment of the whole country is now sighing for repose. But without this feeling such adjustment will address itself to the sound judgment of the North. First, California is admitted with a constitution adopted by its people. Next, governments established for the Territories of Utah and New Mexico upon the principle of non-intervention, and leaving to the people all subjects of legislation for their disposition and management consistent with the Constitution of the United States; and when prepared for admission as States, to form constitutions suited to their purposes, interests, or prejudices. And next, the settlement of the Texas boundary, which, at this time, involved as it is in the prevailing excitement and agitation, is not only embarrassing the action of Congress, but which in contingencies may be a source of great disturbance and of serious collision. Whatever the efforts now made may ultimately produce, it is to be hoped that these general results will be obtained.

Representatives from the South say, however,

that though it should be so arranged, this desired and anticipated quiet would not be restored. There would be slavery in the District of Columbia, arsenals and dock-yards, &c., for the agitation to feed upon, and their apprehension is, that it will not only accomplish its purposes in this particular, but proceed to an interference in and between the States. There must be exaggeration in this fear, else all adjustment is delusive, and all hope and reliance in the safeguards of the Constitution are dispelled. True, these do enter into the discontent, but they are the mere accompaniments of the storm; they created it not. The Territories are the springs of strife; and the fierceness, too, with which it is now raging, is attributable to a great additional impulse, not belonging to the effort which is directed to the other objects. Representatives are at one day to be here from those Territories! Their complexion is to be determined. It is more a question of power, than of morality. It is the extension of slavery, as involving an extension of power, that wrought up the elements of fury, and brought into combined action the moral sentiment, as it is denominated, and the political power of the North. However much this may be denied, past and present experience prove that this sentiment against the institution of slavery, and all its moralizing in reference to regarded abstractions, separated from political objects, has not sufficient force to create this undue alarm. The acquisition of Louisiana, Florida, and Texas, and the adoption of the Missouri compromise, all show it. Whilst in these acquisitions we acquired immense slaveholding domain, and thus extended slavery, or in other, probably more apt words, the Union was extended over slaveholding territory, the great political objects to be consummated with their accustomed influence controlled all opposition; and in the Missouri agitation, whilst this sentiment was active, a question of political consideration exercised its customary power, and when settled by the adoption of the line 36° 30', efforts relaxed, and repose assumed its quiet and refreshing sway. Although moralizing continued, it could not bring this power effectually to exert itself from that to this day, upon the objects asserted to be in such imminent danger. Will it be so again? Dispose of this, and I trust you dispose of the whole matter, with the assent of a large majority of the people. In fact, whatever, in the abstract, the people of the North may consider the institution of slavery, as in the South they will and must conclude, that Congress cannot disturb it under the Constitution; and furthermore, that as existing, they must and will regard it, at least, as a social and political necessity, to be left to the people immediately interested, to time, and to Providence in his omnipotence and wisdom, to work out its results.

Those of the North, who sincerely love the Union, and whose moderation and patriotism realize that the Constitution is the covenant of the Union, and that (holding no other law to be higher) it must be faithfully regarded in letter and in spirit to entwine around it the heartfelt affections of the people, and to secure a union worth preserving, must prepare to encounter an opposition of some power, fierce, unscrupulous, vindictive, and unrelenting. They must encounter political Abolitionism, and Socialism, with their kindred and affiliated *isms*, in their combined and united strength. The practical issue will be, *union* or *disunion*. Confiding in a deep-toned veneration of the steady

and uncorrupted masses of the non-slaveholding States for the Union, as it was and as it ought to be, and relying upon their determination to maintain it as such, when aroused to a sense of impending danger we dare indulge in the anticipation of a glorious triumph.

But it is urged, that to unite any of the subjects in controversy with the admission of California, would be incongruous and improper. How can this be maintained? Neither precedent nor principle sustain it! Certainly it is not incongruous to unite the establishment of territorial governments for a common acquisition, and the adjustment of its boundary. The bill before the Senate comprises these; those relating to fugitives from labor, and the slave trade in the District, are in distinct bills, and stand upon their respective and separate merits. A common principle decides its propriety; that is, the *disposition* of a question—a whole question! A tariff bill disposes of a question, however adverse, diverse or complicated its details. A revenue bill disposes of a question, however multifarious and different its objects. But *one* question now is involved here, and that is the question of slavery. It is not to be disguised nor concealed. It is wrong, yet true. Representatives from the North favor the admission of California, not so much because it should be admitted, but more because it is non-slaveholding. Representatives from the South insist upon their views and rights. The "Wilmot proviso" prevented governments for the whole acquisition; it is to be disposed of to give peace with governments. If a bill can dispose of the agitation, why should it not? Whilst it may be effected very properly by separate action, it does not make the other improper, but is resolved into a matter of expediency. The Missouri equalled, if it did not surpass, this agitation; it shook the foundations of the Union. People of the North objected to the admission of Missouri as a State, because it was slaveholding; and the bill authorizing its admission as a State, provided for the condition of territory beyond its limits, and with which, as a State, it had nought to do. Though apparently dissimilar objects were incorporated in the bill, it disposed of the question that wrought the agitation. Admit California, and provide for the establishment of governments for the balance of the territory, unrestricted and untrammelled by "provisos," and you dispose of the question now stirring up the people; angry passions now roused will subside, and wonted tranquillity will be restored.

Let me add, in connection with this, that a cordial coöperation of the North to secure to the people of the South the replete and unobstructed enjoyment of their undoubted and conceded constitutional rights of the recapture of fugitive slaves, will revive a happy confidence between the sections, and give additional strength and durability to an adjustment. There appears to be a growing disposition to remedy the disadvantages under

which slaveowners now labor in their capture, and it is to be expected that not only will a proper law be passed for the purpose, but that the public sentiment of the North will permit its vigorous execution.

Permit me again to express my profound conviction of the necessity of early terminating this controversy; it is necessary, to give peace, restore former confidence, and to abjure dissolution.

The people I have the honor to represent love this Union; they cherish the Constitution as its only bond; there is no personal sacrifice they will not make to maintain it in its purity, and to secure a continuance of its abundant blessings. They appreciate the necessities, the concessions, the compromises, and the virtues which produced it, and rejoice in its triumphant career. As their Representative, and as an American citizen, my effort, though very humble, shall be to assist in averting dangers which may threaten it, and in circling it around with the protection the exigency may demand.

No more than ordinary sagacity is required to see, that if the most fatal of all events occur, "a dissolution of the Union," the expectations of those who anticipate permanent and "victorious" power, and paint to phrenzied imaginations "glorious" confederacies, will realize nought but bitter disappointment. The breaking up of this Union will rend all its ligaments, snap all its cords, and its uttermost and its elemental parts will loosen, separate, totter, fall, and crumble. The same fomenting and discordant spirit that first struck the blow at the *unity* of the Republic, inspired by success, will strike at the divisions, until all our greatness, our glory, our power, our union, our happiness, our prosperity as a *people*, is enveloped, extinguished, lost in a common ruin.

What may be done I know not. Everything is in painful suspense, all is as unfixed as the tossed wave. If as Representatives we fail to close the struggle, and allay the fierce strife; if in these Halls mind by conflict with mind has become impracticable, and sentiment, racked and tortured by attenuated debate, can effect no salutary results, and without accomplishing what is so much desired, we separate, there is but an appeal to that which has never yet failed—the *great American heart*. It has never failed in times of peril; its mighty pulsations are potential in every crisis; whenever required it has put forth its omnipotent energies, and when necessary it has poured out without stint its crimson treasures; more, it has justice to judge, mercy to temper, love to unite, and courage to vindicate. In its free, honest, ample impulses, there is hope!

The necessities which created, the spirit which gave it form, and the patriotism which cemented the Union yet exist; and may their existence be perpetual! And this Union, secure in the comprehensive and durable achievements of the past, will be consecrated to the high aspiring hopes of coming and unnumbered generations.